

**BEFORE THE MISSISSIPPI REAL ESTATE COMMISSION**

**MISSISSIPPI REAL ESTATE COMMISSION**

**COMPLAINANT**

**VS.**

**NO. 07-1907**

**DONNIE C. SIMMONS, HOME INSPECTOR**

**RESPONDENT**

**AGREED ORDER**

This cause came before the Mississippi Real Estate Commission, hereinafter referred to as "Commission," pursuant to authority of M. C. A. §§73-60-1, et seq., on a formal Complaint brought against Donnie C. Simmons, Home Inspector, sometimes hereinafter "Respondent" or "Simmons." Prior to this matter being set for hearing before the Commission, the parties announced instead their agreement as to the disciplinary action. By entering this Agreed Order, Respondent Simmons waives his right to a hearing with full due process and the right to appeal any adverse decision resulting from that hearing. Having reached an agreement on this matter, the Commission issues its Findings of Fact and Disciplinary Order as follows:

**FINDINGS OF FACT**

**I.**

Respondent Donnie C. Simmons is an adult resident citizen of Miss. whose address of record with the Commission is 12000 CR 430 Meridian, MS. Respondent Simmons is the holder of a Home Inspector's license, No. 0529, issued by the Commission pursuant to Miss. Code Ann. §§73-60-1, et seq., and, as such, he is subject to all the provisions, rules, regulations and statutes governing the practice of home inspections under Mississippi law.

## **II.**

The Commission received information that Respondent Simmons had performed one or more home inspections on new construction without the new home (NH) certification required for performing such new construction inspections under Mississippi law. Thereafter, the Commission opened its investigation and contacted Respondent Simmons for a response.

## **III.**

Respondent Simmons cooperated with the Commission investigation and admitted that he knowingly performed at least one home inspection on new construction without the new home (NH) certification required by state law.

## **CONCLUSIONS OF LAW**

## **IV.**

The above and foregoing described acts of the Respondent Donnie C. Simmons constitute a violation of Miss. Code Ann. §73-60-27, which states in relevant part:

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(4) After October 1, 2001, no person licensed under this chapter shall offer to perform or perform inspection services on new construction for a fee without having first obtained a residential home builders license from the Mississippi Board of Contractors and certification by the Southern Building Code Congress or any other national professional code organization.

**DISCIPLINARY ORDER**

**THEREFORE**, by agreement and consent, the Commission **ORDERS** discipline as follows:

1. The license of Respondent Donnie C. Simmons shall be suspended for thirty (30) days,  
  
beginning November 15, 2019. The Respondent is further fined \$ 500.00, but suspended.
2. Following the 30-day period of suspension, the license of Respondent Simmons shall be placed  
  
on probation for a period of eleven (11) months.
3. Prior to the expiration of the period of suspension, Respondent Simmons shall complete an  
  
ethics course for home inspectors. The course shall be approved by the Commission and  
  
this mandatory ethics course shall be completed in addition to those continuing education  
  
hours required for renewal of Respondent Simmons's home inspector license.

SO ORDERED, THIS THE 15<sup>th</sup> DAY OF October, 2019.

**MISSISSIPPI REAL ESTATE COMMISSION**



By: \_\_\_\_\_

Robert E. Praytor, Administrator

date: \_\_\_\_\_

10/15/19

Agreed: Donnie C. Simmons date: 10-11-19  
Donnie C. Simmons, Respondent